

9 FAM APPENDIX O, 100

GENERAL REFUGEE AND ASYLUM INFORMATION AND DEFINITIONS

(CT:VISA-2157; 08-04-2014)
(Office of Origin: CA/VO/L/R)

9 FAM APPENDIX O, 101 AUTHORITIES FOR REFUGEE AND ASYLEE ADMISSIONS

(CT:VISA-2157; 08-04-2014)

- a. The Refugee Act of 1980 (8 U.S.C. 1525, Public Law No. 96-212, 201(b), 94 Statute 109, 3/17/80) is the legal basis of the refugee admissions program. See also:
 - (1) Immigration and Nationality Act (INA) 101(a)(42), 101(a)(35), and 101(b)(1)(A), (B), (C), (D), or (E) (8 U.S.C. 1101), as amended, for definitions of "refugee" and derivative family members;
 - (2) INA 207 (8 U.S.C. 1157), as amended, which sets forth the authority for refugee admissions and the annual process of deciding eligibility criteria;
 - (3) Under INA 208 (8 U.S.C. 1158), *in general*, a person already in the United States may *affirmatively* apply for *asylum irrespective of status (see INA 208(a)(2) for exceptions)*. Decisions on whether to grant *asylum to persons who have affirmatively filed an asylum application* are made by U.S. Citizenship and Immigration Services (USCIS), *a component of the Department of Homeland Security (DHS)*. Accordingly, the adjudication of *affirmative* asylum cases, including applications for the admission of family members on a derivative basis, is governed by USCIS regulations *at 8 CFR Part 208.21. The U.S. Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) has similar regulations at 8 CFR Part 1208 that govern the adjudication of claims for asylum made defensively in removal proceedings before an immigration judge*. Nevertheless, consular officers, particularly ones at posts *without a USCIS presence*, are required to assist in processing cases of spouses and children of persons granted asylum *("asylees") regardless whether the asylee was granted by USCIS or by an immigration judge*. This chapter provides guidance to consular officers on handling such cases. Posts with questions should direct them to the Post Liaison Division (CA/VO/F/P), which will coordinate a response with USCIS as appropriate;
 - (4) Asylum cases (VISAS 92): INA 208 provides, *in part*, that a person

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determined to *meet the definition of* a refugee *as defined in INA 101(a)(42)*, "may" be granted asylum, and the spouse or child of *that asylee* "may" also be granted asylum if accompanying or "following-to-join" the principal *asylee* (INA 208(b)(3); *see also INA 204(l)(2)(D) (preserving derivative eligibility for asylum if principal asylee dies during pendency or after approval of Form I-730, Refugee/Asylee Relative Petition)*). A spouse or child is not automatically entitled to the same *asylum* status as the principal *asylee*, rather the grant of derivative status is discretionary. In implementing regulations at 8 CFR 208.21 (effective 2/26/98), USCIS has excluded from eligibility spouses and children who have committed certain kinds of acts (e.g., persecution, serious crimes) and/or who constitute a danger to the United States, and persons whose relationship to the principal *asylee* does not meet certain requirements established in furtherance of the "following-to-join" requirement. Because the grant of status is discretionary, USCIS may also deny VISAS 92 for other reasons;

- (5) The annual Presidential Determination pursuant to INA 207 (8 U.S.C. 1157) concerning the admission of refugees for particular fiscal years. (See Bureau of Population, Refugees, and Migration (*PRM*) *website* for a copy of the most recent Presidential Determination);
- (6) 8 CFR 207 and 45 CFR 400 for collateral regulations on refugee processing; and
- (7) 9 FAM for guidance relevant to immigrant visa (IV) requirements that may also pertain to refugees, such as security name checks, INA 212(a) (8 U.S.C. 1182(a)) inadmissibilities, and medical examination requirements.

9 FAM APPENDIX O, 102 CONFIDENTIALITY IN REFUGEE PROCESSING

(CT:VISA-2157; 08-04-2014)

- a. Department of State records related to visa and refugee processing are "considered confidential" under INA 222(f), *and use* of these records is restricted to "the formulation, amendment, administration, or enforcement of immigration, nationality and other laws of the United States." *With limited exceptions further described below*, information regarding specific refugee cases may *not* be released to anyone other than the applicant himself or herself *and authorized third parties*, except as needed by organizations *directly involved in the refugee processing system* or for use by Members of Congress who have need of the information for "the formulation, amendment, administration, or enforcement of immigration, nationality, or other laws of the United States."
- b. Confidentiality in this context refers to its *disclosure and* releasability, not its security classification. (See also 9 FAM 40.4 N1, Maintain Confidentiality of

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Visa Record, Information, or Other Purposes Information.)

- c. United Nations High Commissioner for Refugees (UNHCR) policy requires strict confidentiality regarding refugees and asylum seekers. Refugees referred to the U.S. *Refugee Admissions Program (USRAP)* by UNHCR have signed a confidentiality release to permit UNHCR to release personal information to resettlement governments and processing agencies.

9 FAM Appendix O, 102.1 Guidance on Release of Information

(CT:VISA-2157; 08-04-2014)

- a. A refugee applicant (beneficiary) may make a direct inquiry to the Resettlement Support Center (*RSC*) or *consulate responsible for the processing of his/her V92/93 case* – orally or in writing – concerning the status of his or her case. If an applicant has a serious impediment such as age, illness, or physical disability that prevents him or her from asking on his or her own behalf, minimal case *status* information may be provided to a third party if the inquirer satisfactorily establishes his *or her* bona fides. Consular officers should exercise common sense and caution in responding to such inquiries and should provide only the minimum information necessary to respond to the inquiry. *Case status information may also be provided to certain authorized third parties as described below.*
- b. Consular officers may respond directly to oral or written inquiries about the status of cases made by the Bureau of Population, Refugees, and Migration (PRM), the United Nations High Commissioner for Refugees (UNHCR), and the International Organization for Migration (IOM), the sponsoring *resettlement* agency in the United States, or any other official entity such as a U.S. Embassy or Department of Homeland Security (DHS) office that requires case information to facilitate processing of the case.
- c. Written (including emails) inquiries from Members of Congress or their staffs that do not specifically relate to adjudication decisions by DHS should be answered with only the information necessary to answer the inquiry. Case-specific information in response to telephonic inquiries from Members or their staffs may not be provided. No copies of documents or other items from a case file may be provided. Responses to case status inquiries should include *a reminder that, pursuant to INA Section 222(f) (8 U.S.C. 1202(f)), the information:*
 - (1) is to be treated as confidential;*
 - (2) is being provided to them solely for purposes related to "the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States;"*
 - (3) should not be shared with other Members of Congress or their staffs except*

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as specifically needed for the aforementioned purposes; and

(4) should not be released to the public.

- d. If the incoming Congressional letter requests that the Embassy respond directly to a constituent or other third party, the consular officer should provide the requested case information to the *Member* of Congress unless it relates to adjudication decisions made by DHS. Include the following statement:

Pursuant to Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)), "The records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of immigration, nationality, and other laws of the United States". In accordance with law and policies governing the confidentiality of Department of State refugee processing records, we are unable to provide information on specific refugee cases directly to your constituent. The refugee applicant *or a third party authorized by the applicant to receive information* may obtain information about the case by inquiring directly to the *Resettlement Support Center* handling the case. We appreciate your understanding of the Department's concern to ensure confidentiality in the U.S. Refugee *Admissions Program (USRAP)*.

- e. *Written (including emails) inquiries from U.S. Government law enforcement entities that do not specifically relate to adjudication decisions by DHS, but are made for official purposes, will generally be answered with the requested information. Information in response to telephonic inquiries may not be provided. Responses must be coordinated with and sent from PRM/Refugee Admissions, with involvement of the Legal Adviser's Office, where needed.*
- f. *Written (including email) inquiries for case status information from third parties such as attorneys or accredited representatives may be answered with the requested information if the request is accompanied by or preceded by a completed and signed Form G-28 or Form G-28I, which is issued by DHS.*
- (1) The Form G-28 or Form G-28I must include complete and verified information, including signature, from the refugee applicant, as well as complete information, including signature, from the relevant third party. RSCs or consular officers should ensure that the applicant's signature on the form is verified against his/her signature on file, if available. Responses to case status inquiries may only be sent to the physical address or email address provided in the original Form G-28 or G-28I. Case status information in response to telephonic requests from third parties may not be provided.*
- (2) There is not a defined validity period for the G-28 or G-28I. However, it may be appropriate to check whether the G-28 or G-28I remains valid - whether the authorized third party remains the representative of the*

individual.

- g. Written inquiries (including email) for case status information from other third parties, such as family members, may be answered with the requested information if the request is accompanied by or preceded by a letter from the applicant providing authorization that the information be shared with the third party. There is no specific format for this letter, but it must contain at a minimum the applicant's full name and USRAP case number, along with the full name of the third party to whom the information may be released, and it must be signed by the applicant. RSCs or consular officers should ensure that the applicant's signature on the letter is verified against his/her signature on file, if available. The letter must also contain a physical address and/or email address for the authorized third party. Case status information in response to telephonic requests from third parties may not be provided.*
- h. The information that can be provided to an authorized third party is limited to case status information. Inquiries for other information regarding specific refugee cases may not be provided to third parties, even if authorization has been provided. For example, an authorized third party may not inquire as to the reason a refugee applicant has been deemed ineligible for P-2 access. Further, an authorized third party is not permitted to accompany a refugee applicant to RSC intake and prescreening or engage in other forms of involvement in refugee processing.*
- i. If information disclosure to third parties has not been authorized, responses to inquiries must be limited to general descriptive material about the USRAP or a description of program procedures that might be of assistance to the inquirer.*
- j. Contact the Office of Admissions in the Bureau of Population, Refugees, and Migration (PRM/A) for further information on refugee records or templates for response to inquiries.*

9 FAM APPENDIX O, 103 ROLES AND RESPONSIBILITIES

9 FAM Appendix O, 103.1 Department of State

(CT:VISA-1956; 02-05-2013)

The Department of State develops, coordinates, and manages U.S. resettlement policy and programs for refugee admission to the United States.

9 FAM Appendix O, 103.2 Bureau of Population, Refugees, and Migration (PRM)

(CT:VISA-1956; 02-05-2013)

The Department of State's Bureau of Population, Refugees, and Migration (PRM) is responsible for developing and coordinating refugee admissions policies and for management of resettlement programs. (See 1 FAM 520, Bureau of Population, Refugees, and Migration (PRM) for a complete statement of the bureau's organization and responsibilities.)

9 FAM Appendix O, 103.3 Office of Admissions (PRM/A)

(CT:VISA-1956; 02-05-2013)

The Office of Admissions in the Bureau of Population, Refugees, and Migration (PRM/A) develops, implements, manages, and oversees policies and programs for overseas refugee processing, transportation, and initial domestic reception and placement. (See 1 FAM 527, Office of Refugee Admissions (PRM/A).)

9 FAM Appendix O, 103.4 Overseas Refugee Processing

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Program officers with overseas responsibilities within PRM/A manage and oversee programs in assigned geographic areas for the selection, processing, and transportation of refugees to be admitted to the United States. These program officers also supervise and coordinate closely with operations of *Resettlement Support* Centers (RSCs) under *cooperative agreement* with PRM.

9 FAM Appendix O, 103.5 Domestic Reception and Placement

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Program officers with domestic responsibilities in PRM/A manage and oversee the domestic reception and placement program. PRM/A implements the program through cooperative agreements with national *resettlement* agencies that maintain *networks* of affiliates throughout the United States. These program officers coordinate with the Office of Refugee Resettlement in the Department of Health and Human Services (HHS), the Centers for Disease Control and Prevention (CDC), as well as with coordinators of state refugee programs and local providers of services to refugees in the United States.

9 FAM Appendix O, 103.6 Refugee Processing Center

(RPC)*(CT:VISA-2157; 08-04-2014)*

The Refugee Processing Center (RPC), located in Arlington, Virginia, is the central data repository for all overseas and domestic resettlement operations. Under PRM/A, the RPC manages the Worldwide Refugee Admissions Processing System (WRAPS). WRAPS is the Department of State database for all refugee applicants processed for resettlement consideration to the United States. The system tracks cases and generates reports on case status and worldwide admissions levels for program managers. The RPC performs security name checks for all refugee applicants. RPC manages the process of allocating refugee cases to the domestic *resettlement* agencies, assigns case and alien numbers, and assists Consular officers in processing Visas 93s.

9 FAM Appendix O, 103.7 National Visa Center (NVC)*(CT:VISA-2157; 08-04-2014)*

The National Visa Center (NVC) transmits Form I-730, Refugee/Asylee Relative Petition (Form I-730) approved by USCIS to consulates overseas. Beneficiaries of Form I-730 are the spouse and unmarried child(ren) of a refugee (V-93) or an asylee (V-92) already admitted to the United States.

9 FAM Appendix O, 103.8 Overseas Diplomatic and Consular Missions*(CT:VISA-2157; 08-04-2014)*

- a. Diplomatic missions overseas may play a variety of roles in processing refugees for resettlement to the United States. Missions may assist in processing individuals identified for resettlement as Visas 92/93, conduct security reviews of the sites identified for refugee processing, or provide logistical support to TDY USCIS officers conducting refugee interviews.*
- b. Individuals seeking temporary refuge or asylum in the United States sometimes approach diplomatic missions directly. If someone approaches U.S. Government agency representatives seeking such assistance, missions should see the guidance in:*
 - (1) 2 FAM 227, Requests for Asylum by Foreign Nationals;*
 - (2) 2 FAM 228, Handling Asylum Requests by Persons Within Foreign Jurisdictions; or*
 - (3) Refer to the most recent walk-in guidance cable for Diplomatic and Consular Establishments.*
- c. In general, refugees seeking third-country resettlement should be referred to the host government, as appropriate, or the nearest representative of the*

United Nations High Commissioner for Refugees (UNHCR) for information or assistance. The international community has given UNHCR the responsibility to protect refugees worldwide.

9 FAM Appendix O, 103.9 Refugee Coordinators (Refcoords)

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Refugee coordinators (Refcoords) assigned to selected U.S. embassies overseas support the activities of the Bureau of Population, Refugees, and Migration (PRM), including the Office of Admissions (PRM/A). In the geographic area of responsibility designated by PRM, the refugee coordinator may refer individuals for refugee processing or accept referrals of individuals from:

- (1) The United Nations High Commissioner for Refugees (UNHCR);*
- (2) U.S. Embassies; and*
- (3) Certain non-governmental organizations working with refugees.*

9 FAM Appendix O, 103.10 Designated Refugee Officers

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In countries where the United States regularly processes refugees for resettlement but a Refcoord is not present, posts generally designate an officer to handle refugee admissions issues. This Refcoord maintains liaison with PRM/A, the Refugee Processing Center (RPC), and the Resettlement Support Center (RSC), as well as the Department of Homeland Security's U.S. Citizenship and Immigration Services (DHS/USCIS) officers, UNHCR, and the International Organization for Migration (IOM).

9 FAM Appendix O, 103.11 Consular Support

(CT:VISA-2157; 08-04-2014)

In countries where the Department of Homeland Security's U.S. Citizenship and Immigration Services (DHS/USCIS) has no presence, consular officers are responsible for interviewing the beneficiaries of Form I-730s to verify the identity and the relationship to the petitioner, as well as determining if any inadmissibilities or bars to derivative asylum or refugee status exist.

9 FAM Appendix O, 103.12 U.S. Citizenship and Immigration Services (USCIS)

(CT:VISA-2157; 08-04-2014)

The Secretary of Homeland Security has delegated the authority to determine refugee eligibility and admissibility to the U.S. Citizenship and Immigration Services (USCIS). USCIS officers must interview every applicant presented for resettlement and decide if the applicant is eligible to be admitted to the United States as a refugee. USCIS officers who have received specialized training conduct refugee adjudications overseas. There is 100% supervisory review of a USCIS officer's decision. There is no appeal from a denial; however, applicants may file a Request for Review (RFR) with USCIS within 90 days of the denial decision.

9 FAM Appendix O, 103.13 Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR)

(CT:VISA-2157; 08-04-2014)

The Office of Refugee Resettlement, established under INA 411, 8 U.S.C. 1521, within the Department of Health and Human Services (HHS), funds and administers programs for resettled refugees through the states and other service providers. These programs help refugees to achieve economic self-sufficiency, develop English skills and otherwise integrate into communities in the United States. ORR is also responsible for safeguarding the welfare of refugee children who are resettled unaccompanied by a parent or other close adult relatives, and for services to victims of severe forms of human trafficking.

9 FAM Appendix O, 103.14 International Organization for Migration (IOM)

(CT:VISA-2157; 08-04-2014)

a. The International Organization for Migration (IOM) provides a wide variety of overseas processing services under a Memorandum of Understanding with PRM. IOM serves as a Resettlement Support Center (RSC) in several locations, conducts or oversees medical screening in many locations, handles transportation arrangements and pre-embarkation inspections for all refugees traveling to the United States, and administers the Department's refugee travel loan program.

b. IOM contact information for the U.S. refugee program is:

International Organization for Migration

122 East 42nd Street, Suite 1610

*New York, New York 10168
Telephone: (212) 681-7000
Fax: (212) 867-5887
Email: onewyork@iom.int*

9 FAM Appendix O, 103.15 *Non-Governmental Partners Under Cooperative Agreement*

9 FAM Appendix O, 103.15-1 *Resettlement Support Centers (RSC)*

(CT:VISA-2157; 08-04-2014)

- a. Resettlement Support Centers (RSC) provide processing services under the direction of the Bureau of Population, Refugees, and Migration (PRM). They are operated by non-governmental organizations, the International Organization for Migration (IOM), and U.S. mission contractors. (See PRM's website for a current list of RSCs.)*
- b. All RSCs have direct electronic links to WRAPS (Worldwide Refugee Admissions Processing System). The RSC maintains refugee files for the State Department.*
- c. The RSC screens applicants, prepares cases for U.S. Citizenship and Immigration Services (USCIS) adjudication, schedules refugee interviews with USCIS, prepares approved cases for travel, including medical screening, obtains an assurance from the resettlement agency in the United States and provides cultural orientation. The RSC coordinates directly with PRM, the Refugee Processing Center (RPC), USCIS, panel physicians, the United Nations High Commissioner for Refugees (UNHCR), and the International Organization for Migration (IOM), as needed.*
- d. RSC Circuit Rides: At posts where the United States processes fewer refugees, an RSC resident in another country may send staff to your country to prepare cases and support temporary duty officers from the U.S. Citizenship and Immigration Services (USCIS). These missions are known as "circuit rides." USCIS will request country clearance from the post in advance of their visits and inform the post if they need logistical support.*
- e. Processing at Posts without an RSC: If an Embassy refers an individual for consideration for resettlement as described in 9 FAM Appendix O, 602, Embassy Referrals to the U.S. Refugee Admissions Program, PRM's Office of Admissions (PRM/A) details an RSC staff member to prepare the case and assist the adjudicating officer from the Department of Homeland Security's U.S. Citizenship and Immigration Services (DHS/USCIS). Contact PRM/A for further guidance.*

9 FAM APPENDIX O, 104 DEFINITIONS

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- a. Anchor. A *refugee applicant's* relative in the United States who *has filed an affidavit of support on behalf of the applicant for purposes of access to the P-3 program*.
- b. Assurance. The agreement of a resettlement agency to sponsor a refugee. This agreement is signed by a designated *resettlement* agency official and submitted to the Refugee Processing Center (RPC) for forwarding overseas. A copy of the agreement is included in the refugee's travel documents for presentation at the port of entry (POE) in the United States.
- c. Asylee. *An individual* physically present in the United States *who has been* granted asylum *under INA 208*.
- d. Central Overseas Processing Entity (COPE). RSC version of WRAPS used at the RPC to enter V-93 case information *processed by consular posts or USCIS officers overseas*.
- e. Circuit ride. A visit by Department of Homeland Security (DHS) officers or staff of Resettlement Support Centers (RSC) to prepare refugee cases and interview refugee applicants.
- f. Joint Voluntary Agency (JVA). See Resettlement Support Centers (RSC), below.
- g. Principal Applicant (PA). The primary *individual on* a case *who submits an application or petition for an immigration benefit*. In a refugee case, this is the individual who must substantiate a claim *and demonstrate eligibility* for refugee status *upon* an interview with *a specially-trained* USCIS officer.
- h. Reception and Placement (R&P). The arrival and initial resettlement services provided to refugees on arrival in the United States by resettlement agencies under cooperative agreement with the Department.
- i. Refugee. A person as defined in INA 101(a)(42) who is outside his or her country of origin and is unwilling or unable to return because of persecution or a well-founded fear of persecution on one of five grounds: race, religion, nationality, membership in a particular social group, or political opinion. *Persons who have* ordered, incited, assisted, or otherwise participated in the persecution of others *are excluded from the refugee* definition.
- j. Refugee Access Verification Unit (RAVU). *A unit within U.S. Citizenship and Immigration Services (USCIS)* that reviews Affidavits of Relationship for relationship fraud.
- k. Refugee Processing Center (RPC). The central data repository for all overseas and domestic resettlement operations located in Arlington, Virginia. Under PRM/A, the RPC manages the Worldwide Refugee Admissions Processing System (WRAPS).
- l. Resettlement Support Centers (RSC). A *non-governmental organization (NGO)*

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under cooperative agreement with the Department, a U.S. mission contractor, or international organization that helps process refugees for U.S. resettlement.

- m. Sponsor. A non-profit *organization* under *cooperative* agreement with the Department to serve as the legal sponsor of refugees arriving in the United States.
- n. Unaccompanied refugee minor (URM). A refugee child under 18 years old who is separated from both parents and is not being cared for by an adult who, by law or custom, is responsible for him or her.
- o. *VISAS 92 (V-92). Beneficiary (following-to-join) of a Form I-730, Refugee/Asylee Relative Petition filed by a person granted asylum in the United States. V-92 beneficiaries do not qualify for refugee benefits and do not count against the annual refugee admissions ceilings.*
- p. *VISAS 93 (V-93). Beneficiary (following-to-join) of a Form I-730, Refugee/Asylee Relative Petition filed by a person admitted to the United States as a refugee. Beneficiaries qualify for PRM-funded support and count against annual refugee admissions ceilings.*
- q. *Worldwide Refugee Admissions Processing System (WRAPS). A centralized database that tracks refugee case processing.*

9 FAM APPENDIX O, 105 PROCESSING INDIVIDUAL REFUGEE CASES

9 FAM Appendix O, 105.1 What Types of Refugee Cases Will an Embassy Officer be Expected to Handle?

(CT:VISA-1956; 02-05-2013)

While many overseas U.S. missions have an interest in global humanitarian issues related to refugees, direct mission responsibility for processing individual cases for refugee resettlement is limited. Unless the Bureau of Population, Refugees, and Migration (PRM) has designated a Regional Refugee Coordinator, embassy officers usually handle only two types of cases:

- (1) Individuals under consideration for referral by an U.S. embassy under Priority 1.
- (2) V93 cases (derivative family members who are beneficiaries of Form I-730 Refugee/Asylee Relative Petitions from refugee relatives already in the United States) which may be processed by DHS or Consular sections at post.

9 FAM Appendix O, 105.2 Embassy Referrals to the U.S.

Refugee Program (Priority 1)

(CT:VISA-1956; 02-05-2013)

Priority 1 (P-1) includes all cases individually identified and referred to the U.S. Refugee Admissions Program (USRAP) by the United Nations High Commissioner for Refugees (UNHCR), a U.S. Embassy, or a non-governmental organization (NGO). In most instances, persons potentially in need of protection are served by UNHCR, which has an international mandate for refugee protection and which may refer the individuals for third country resettlement. This section explains how an embassy may identify and refer persons for consideration under Priority 1.

9 FAM Appendix O, 105.3 Who Is Eligible for an Embassy Referral?

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- a. A U.S. embassy may refer any individual who appears to meet the definition of a refugee to the U.S. Refugee Admissions Program (USRAP) for consideration under Priority 1.
- b. Embassies may refer someone to ensure protection or provide a durable solution in compelling circumstances. Because of resource constraints and other foreign policy concerns, posts usually refer individuals only because of a significant humanitarian concern, a particular U.S. Government interest, or an especially close link to the United States.
- c. An example of Embassy referrals under Priority 1 would be someone personally known to the embassy (or to the embassy in another country) such as a prominent member of a political opposition or religious minority. An embassy in another country may contact you about a judge, a well-known journalist, *or lesbian, gay, bisexual, transgender, or intersex (LGBTI) individual or advocate*, for example, who has fled to avoid arrest or has been threatened while outside the country.
- d. Of particular importance is the need to avoid promises about approval of the case by the U.S. Citizenship and Immigration Services (USCIS) or admissibility to the United States. Processing time should also be considered in deciding to refer someone, since a DHS officer must interview each refugee applicant personally and other processing requirements (medical, security, etc.) take time.
- e. Contact the Office of Admissions in the Bureau of Population, Refugees, and Migration (PRM/A) for help in evaluating cases or for guidance on the most effective way to help a person in need of protection.

9 FAM Appendix O, 105.4 When You Need Prior Department Concurrence

(CT:VISA-2157; 08-04-2014)

You must have prior concurrence from the Department and U.S. Citizenship and Immigration Services (USCIS) to refer persons of certain nationalities or to refer persons located in their country of *nationality* or habitual residence. Contact the Office of Admissions in the Bureau of Population, Refugees, and Migration (PRM/A) before referring persons in the latter category or persons of the following nationalities for consideration by the USRAP:

- (1) North Koreans; and
- (2) Palestinians.

9 FAM Appendix O, 105.5 Authority to Make Embassy Referrals

(CT:VISA-1956; 02-05-2013)

- a. The refugee coordinator will usually be responsible for referring individuals to the USRAP.
- b. Most posts do not have a refugee coordinator. Such posts should submit referrals by cable to the appropriate regional refugee coordinator and the Department slugged for PRM/A. Posts are encouraged to consult with regional refugee coordinators and/or PRM/A in developing referrals.

9 FAM Appendix O, 105.6 Persons Identified by Nongovernmental Organizations (NGOs)

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Individuals may be referred for U.S. resettlement by non-governmental organization (NGO) employees engaged in refugee assistance or protection activities. *Certain NGOs trained by PRM and* USCIS may submit cases to the regional refugee coordinator working in the area for consideration. If an NGO approaches a post, refer them to the nearest regional refugee coordinator.

9 FAM Appendix O, 105.7 How to Submit Embassy Referrals

(CT:VISA-2157; 08-04-2014)

The embassy should submit the referral by cable to the Office of Admissions in the Bureau of Population, Refugees, and Migration (PRM/A). PRM/A will coordinate processing of the case with the appropriate RSC. Send the cable by IMMEDIATE

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precedence captioned "FOR PRM/A." No standard application form exists for an embassy referral. PRM/A recommends that the referral include at least the following information:

- (1) Biographic details, including full name and aliases, gender, date and place of birth, nationality, and current address. Give the same information for accompanying family members, as well as their relationship to the principal applicant;
- (2) Reason for referral, including perceived U.S. interest and how the Embassy knows of the individual and his circumstances;
- (3) General outline of any harm which may be viewed as persecution or fear of harm and the reasons for such fear;
- (4) Assessment of the risk to the individual and of the need for urgency; and
- (5) Name and contact information for embassy officer following up on the referral, including email address.

9 FAM Appendix O, 105.8 Processing Embassy Referrals

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If no Resettlement Support Center (RSC) is present, the Office of Admissions in the Bureau of Population, Refugees, and Migration (PRM/A) will designate *the regional RSC* to interview the applicant and family members, prepare the case for interview by the U.S. Citizenship and Immigration Services (USCIS), and handle other processing requirements.

9 FAM Appendix O, 105.9 Urgent or Emergency Cases

(CT:VISA-2157; 08-04-2014)

Notify the Office of Admissions in the Bureau of Population, Refugees, and Migration (PRM/A) immediately if a crisis arises which threatens the life, safety or health of someone being processed for U.S. refugee admission. In exceptional situations, PRM/A will coordinate with U.S. Citizenship and Immigration Services (USCIS) about methods to address such a case. *Given the number of clearances required from a number of U.S. Government agencies before admitting an individual as a refugee, the U.S. Refugee Admissions Program is often not the optimal option for an individual in urgent need of protection.*